

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Madhu KANOOR et al.	§	Confirmation No.:	1375
		§		
Serial No.:	10/826,481	§	Group Art Unit:	2193
		§		
Filed:	04/16/2004	§	Examiner:	Jue S. Wang
		§		
For:	Method and System For	§	Docket No.:	200406530-2
	Patch Management	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents

Date: July 28, 2009

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated June 2, 2009, Appellants submit this Reply Brief for further consideration by the Board.

Appellants respectfully submit that the Examiner has misread Smith in the rejection of claim 1. Claim 1 requires that current operating information for a target device is compared with updated operating information from a database and that at least one patch accordingly is identified. Claim 1 then explains how the "at least one patch" identified as a result of comparison of the current operating information to the database is used by the target device. Claim 1 explains that the target device determines if the identified patch has been applied to the target device. That is, a patch is identified for possible application to a target device and, before the patch is actually applied, the target device determines if the patch has already been applied on the target device. If the patch has already been applied, then there is no reason to re-apply the same patch. If the patch has not already been applied, then the target device applies the identified patch.

The Examiner focuses heavily on the top portion of col. 2 of Smith which explains that a computer runs a script which figures out, among other things, what patches have been applied on the computer. The Examiner alleges that that

teaching in Smith is exactly what claim 1 requires ("the target device determining if the at least one identified patch has been applied on the target device"). However, as explained above claim 1 requires first identifying a patch for potential application on the target device and then having the target device determine if that particular patch has already been applied on the target device. Smith's computer system, that the Examiner's likens to the claimed target device, first determines what patches are already installed. Then, a remote tool receives that information and determines if any additional or different patches are needed. Thus, while Smith's computer system does determine which patches are installed, Smith's computer system does not determine, as is required by claim 1, whether any patches being considered for installation on the computer system have already been installed on the computer system.

For the reasons stated above as well as in Appellants' principle brief, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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